

## A Property Owner's Guide to Historical Commission Review

By the terms of Article I, Chapter 19 of the Code of Lexington, adopted in 1986, the Lexington Historical Commission advises the Building Commissioner with respect to the issuance of permits for demolition of "significant" buildings. Before anyone can obtain a permit to demolish a significant building in Lexington, the Historical Commission must sign off on the permit application.

A "significant" building in Lexington is one which is 1) listed on, or pending listing on, the National Register of Historic Places, 2) included, or pending inclusion, in the Cultural Resources Inventory of the town, a 9-volume listing of architecturally and historically important buildings in Lexington, which is kept on file at Cary Library, or 3) determined by vote of the Lexington Historical Commission to be architecturally or historically significant and notified to the owner.

When the Historical Commission receives an application to demolish a building, it determines whether the property is "significant," i.e., it falls into either of the first two categories listed above, or has been previously voted to be significant in the third category because of its historic and/or architectural qualities. If the property is so classified, a public hearing is scheduled. The public hearing ensures that any decisions about the property are made in an open forum, with all parties entitled to speak to the merits of the application.

At the public hearing, the Historical Commission must determine whether the demolition of the property will be "detrimental to the historical or architectural heritage or resources of the Town." If the Historical Commission finds that the loss of a significant property *will* be detrimental, then the property is found to be a "preferably-preserved significant building." The Historical Commission will then advise the Building Commissioner *not* to issue a demolition permit for a period not to exceed twelve months (effective late 2007) while options to preserve or retain the property are investigated.

Demolition permits may, however, be issued at any time after a building is found to be a preferably-preserved significant building if the Historical Commission determines that there is "no reasonable likelihood" that anyone is willing to preserve the building, or if the owner can demonstrate to the Commission that a "continuing bona fide and reasonable" effort has not yielded a purchaser to preserve the building.

In considering whether to find a "significant" building to be "preferably-preserved," the Historical Commission weighs the needs and rights of the owner alongside the larger public benefit that is served by maintaining important aspects of Lexington's historic character. The Historical Commission attempts to find a balance between the significance of the building and the potential detriment to the town's heritage if it is demolished. Among the factors the Historical Commission may consider are the following:

- does the building possess a high level of historical or architectural significance or rarity?
- is the building strongly associated with an important historical event or person or an important builder or architect?
- is the building sited in a highly visible location? If not, does the building's high level of architectural or historical significance outweigh its lack of public visibility?
- would the building's demolition mar a particularly consistent streetscape or grouping of nearby houses?
- is there a reasonable chance someone could come forward to preserve the building?

The Historical Commission renders its decisions about enforcement of the Demolition Delay By-Law at the time of the public hearing. For a copy of the by-law, go to <http://ci.lexington.ma.us/reqpubs.html> click on "Code of Lexington," then Chapter 19.

**For information about the Lexington Historical Commission, call the Town Offices 781-862-0500 x 701**